

UNITED STATES,)
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Plaintiff,)
)
vs.)
)
) **ORDER**
JERRY WAYNE OVERCASH,)
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Defendant.)
)

Marsh, 755 F.2d 362 (4th Cir. 1985); United States v. Garcia, 2015 WL 7313425 (W.D.N.C. Nov. 19, 2015). “A motion to reconsider cannot appropriately be granted where the moving party simply seeks to have the Court ‘rethink what the Court ha[s] already thought through—rightly or wrongly.’” United States v. Dickerson, 971 F.Supp. 1023, 1024 (E.D. Va. 1997) (quoting Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983)). Rather, a motion for reconsideration can be successful in only three situations: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” United States ex rel. Carter v. Halliburton Co., 866 F.3d 199, 210 (4th Cir. 2017) (quoting Zinkand v. Brown, 478 F.3d 634, 637 (4th Cir. 2007)). When a party in a criminal case moves for reconsideration, it is within the sole discretion of the district court to determine whether it is appropriate to grant the motion. Dickerson, 971 F.Supp. at 1024 (citing Boryan v. United States, 884 F.2d 767, 771 (4th Cir. 1989)).

The Court has already fully considered Defendant’s arguments and rejected them. The only potentially new argument that the Defendant has presented is the Bureau of Prisons’ treatment of other inmates’ requests for compassionate release. However, the reasons for denying Defendant’s Motion remains valid. Defendant has failed to establish any basis for reconsideration and the instant Motion will therefore be denied.

IT IS, THEREFORE, ORDERED that Defendant’s Motion to Reconsider Order, (Doc. No. 41), is **DENIED**.

Signed: May 23, 2019



Frank D. Whitney
Chief United States District Judge

